

FILED

FEB 26 2019

DEPARTMENT OF REAL ESTATE

By B dew

1 DEPARTMENT OF REAL ESTATE
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9 **BEFORE THE DEPARTMENT OF REAL ESTATE**
10 **STATE OF CALIFORNIA**

11 * * *

12 In the Matter of the Accusation of) BRE No. H-6718 SAC
13)
14 CAL WEST HOME LOANS, INC. and,)
15 MICHAEL BRUNO) STIPULATION AND AGREEMENT
Respondents.) IN SETTLEMENT AND ORDER

16 It is hereby stipulated by and between CAL WEST HOME LOANS, INC.
17 (CWHL), and MICHAEL (BRUNO), collectively Respondents, their counsel Roger D. Wintle,
18 and the Complainant, acting by and through Richard K. Uno, Counsel for the Department of
19 Real Estate (Department); as follows for the purpose of settling and disposing of the First
20 Amended Accusation filed on March 17, 2018, in this matter:

21 1. All issues which were to be contested and all evidence which was to be
22 presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing
23 was to be held in accordance with the provisions of the Administrative Procedure Act (APA),
24 shall instead and in place thereof be submitted solely on the basis of the provisions of this
25 Stipulation and Agreement In Settlement and Order (Stipulation).

26 2. Respondents have received, read, and understand the Statement to
27 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of

1 Real Estate in this proceeding.

2 3. Respondents filed a Notice of Defense pursuant to Section 11505 of the
3 Government Code for the purpose of requesting a hearing on the allegations in the First
4 Amended Accusation. Respondents hereby freely and voluntarily withdraw said Notice of
5 Defense. Respondents acknowledge that they understand that by withdrawing said Notice of
6 Defense they will thereby waive their right to require the Real Estate Commissioner
7 (Commissioner) to prove the allegations in the First Amended Accusation at a contested hearing
8 held in accordance with the provisions of the APA and that he will waive other rights afforded to
9 them in connection with the hearing such as the right to present evidence in defense of the
10 allegations in the First Amended Accusation and the right to cross-examine witnesses.

11 4. This Stipulation is based on the factual allegations contained in the First
12 Amended Accusation. In the interest of expediency and economy, Respondents chose not to
13 contest these factual allegations, but to remain silent and understand that, as a result thereof,
14 these factual statements will serve as a prima facie basis for the "Determination of Issues" and
15 "Order" set forth below. The Commissioner shall not be required to provide further evidence to
16 prove such allegations.

17 5. It is understood by the parties that the Commissioner may adopt the
18 Stipulation as his Decision and Order in this matter, thereby imposing the penalty and sanctions
19 on Respondents' real estate licenses and license rights as set forth in the below "Order". In the
20 event that the Commissioner in his discretion does not adopt the Stipulation, it shall be void and
21 of no effect, and Respondents shall retain the rights to a hearing and proceeding on the First
22 Amended Accusation under all the provisions of the APA and shall not be bound by any
23 admission or waiver made herein.

24 6. The Order or any subsequent Order of the Commissioner made pursuant to
25 this Stipulation shall not constitute an estoppel, merger, or bar to any further administrative or
26 civil proceedings by the Department with respect to any matters which were not specifically
27 alleged to be causes for accusation in this proceeding.

1 7. Respondents understand that by agreeing to this Stipulation, Respondents
2 agree to pay, pursuant to Section 10148 of the Code, the cost of the audit which resulted in the
3 violation(s) found in the Determination of Issues. The amount of such costs is \$3,821.50.

4 8. Respondents further understand that by agreeing to this Stipulation, the
5 findings set forth below in the "Determination of Issues" become final, and that the
6 Commissioner may charge said Respondents for the costs of any audit conducted pursuant to
7 Section 10148 of the Code to determine if the violations have been corrected. The maximum
8 cost of said audit shall not exceed \$4,778.88.

9 9. Respondent understands that by agreeing to this Stipulation, Respondent
10 agrees to pay, pursuant to Section 10106 of the Business and Professions Code (Code), the cost
11 of the investigation and enforcement which resulted in the determination that Respondent
12 committed the violations found in the Determination of Issues. The amount of said costs is
13 \$1,198.84.

DETERMINATION OF ISSUES

14 By reason of the foregoing stipulations, admissions and waivers, and solely for
15 the purpose of settlement of the pending First Amended Accusation without a hearing, it is
16 stipulated and agreed that the acts and/or omissions of Respondents, as described in the First
17 Amended Accusation, constitute grounds for the suspension or revocation of the licenses and
18 license rights of Respondents under the provisions of Sections 10177(d) of the Code.

ORDER

CAL WEST HOME LOANS, INC.

22 All licenses and licensing rights of CWHL, under the Real Estate Law are
23 revoked; provided, however, a restricted corporate real estate broker license shall be issued to
24 CWHL, pursuant to Section 10156.5 of the Code, if CWHL makes application therefore and
25 pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days
26 from the effective date of this Stipulation. The restricted license issued to CWHL shall be

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1 subject to all of the provisions of Section 10156.7 of the Code and to the following limitations,
2 conditions, and restrictions imposed under authority of Section 10156.6 of the Code:

3 1. The restricted license issued to CWHL may be suspended prior to hearing
4 by Order of the Commissioner on evidence satisfactory to the Commissioner that CWHL has
5 violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of
6 the Commissioner or conditions attaching to the restricted license.

7 2. CWHL shall not be eligible to apply for the issuance of any unrestricted
8 real estate license nor the removal of any of the conditions, limitations, or restrictions of a
9 restricted until two (2) years have elapsed from the effective date of this Stipulation. CWHL
10 shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to the
11 license have been removed.

12 3. The Mortgage Loan Originator Endorsement of CWHL shall be restricted
13 and may be suspended prior to hearing by Order of the Commissioner on evidence satisfactory to
14 the Commissioner that CWHL has violated provisions of the California Real Estate Law, the
15 Subdivided Lands Law, Regulations of the commissioner or conditions attaching to the restricted
16 MLO Endorsement.

17 4. CWHL shall not be eligible to apply for the issuance of any unrestricted
18 MLO Endorsement nor the removal of any of the conditions, limitations, or restrictions of a
19 restricted until two (2) years have elapsed from the effective date of this Stipulation. CWHL
20 shall not be eligible to apply for any unrestricted MLO Endorsement until all restrictions
21 attaching to the MLO Endorsement have been removed.

22
23 MICHAEL BRUNO

24 All licenses and licensing rights of BRUNO, under the Real Estate Law are
25 revoked; provided, however, a restricted real estate broker license shall be issued to BRUNO,
26 pursuant to Section 10156.5 of the Code, if BRUNO makes application therefore and pays to the
27 Department of Real Estate the appropriate fee for the restricted license within 90 days

1 from the effective date of this Stipulation. The restricted license issued to BRUNO shall be
2 subject to all of the provisions of Section 10156.7 of the Code and to the following limitations,
3 conditions, and restrictions imposed under authority of Section 10156.6 of the Code:

4 1. The restricted license issued to BRUNO may be suspended prior to
5 hearing by Order of the Commissioner in the event of BRUNO's conviction or plea of nolo
6 contendere to a crime which is substantially related to BRUNO's fitness or capacity as a real
7 estate licensee.

8 2. The restricted license issued to BRUNO may be suspended prior to
9 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
10 BRUNO has violated provisions of the California Real Estate Law, the Subdivided Lands Law,
11 Regulations of the Commissioner or conditions attaching to the restricted license.

12 3. BRUNO shall not be eligible to apply for the issuance of any unrestricted
13 real estate license nor the removal of any of the conditions, limitations, or restrictions of a
14 restricted until two (2) years have elapsed from the effective date of this Stipulation. BRUNO
15 shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to the
16 license have been removed.

17 4. BRUNO shall, within nine (9) months from the effective date of this
18 Stipulation, present evidence satisfactory to the Commissioner that BRUNO has, since the most
19 recent issuance of an original or renewal real estate license, taken and successfully completed the
20 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
21 of a real estate license. If BRUNO fails to satisfy this condition, BRUNO's real estate license
22 shall automatically be suspended until BRUNO presents evidence satisfactory to the
23 Commissioner of having taken and successfully completed the continuing education
24 requirements. Proof of completion of the continuing education courses must be delivered to the
25 Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013.

26 3. The Mortgage Loan Originator Endorsement of BRUNO shall be restricted
27 and may be suspended prior to hearing by Order of the Commissioner on evidence satisfactory to

1 the Commissioner that BRUNO has violated provisions of the California Real Estate Law, the
2 Subdivided Lands Law, Regulations of the commissioner or conditions attaching to the restricted
3 MLO Endorsement.

4 4. BRUNO shall not be eligible to apply for the issuance of any unrestricted
5 MLO Endorsement nor the removal of any of the conditions, limitations, or restrictions of a
6 restricted until two (2) years have elapsed from the effective date of this Stipulation. BRUNO
7 shall not be eligible to apply for any unrestricted MLO Endorsement until all restrictions
8 attaching to the MLO Endorsement have been removed.

9 CAL WEST HOME LOANS, INC. AND MICHAEL BRUNO

10 1. Pursuant to Section 10148 of the Code, Respondents shall, jointly and
11 severally, pay the sum of \$3,821.50 for the Commissioner's cost of the audit which led to this
12 disciplinary action. Respondents shall pay such cost within sixty (60) days of receiving an
13 invoice therefore from the Commissioner. Payment of audit costs should not be paid until
14 Respondents receive the invoice. If Respondents fail to satisfy this condition in a timely manner
15 as provided for herein, Respondents' real estate licenses shall automatically be suspended until
16 payment is paid in full, or until a decision providing otherwise is adopted following a hearing
17 held pursuant to this condition.

18 2. Pursuant to Section 10148 of the Code, Respondents shall, jointly and
19 severally, pay the Commissioner's reasonable cost, not to exceed \$4,778.88, for an audit to
20 determine if Respondents have corrected the violation(s) found in the "Determination of Issues".
21 In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the
22 estimated average hourly salary for all persons performing audits of real estate brokers, and shall
23 include an allocation for travel time to and from the auditor's place of work. Respondents shall
24 pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner.
25 Payment of the audit costs should not be paid until Respondents receive the invoice. If
26 Respondents fails to satisfy this condition in a timely manner as provided for herein,
27 Respondents' real estate licenses shall automatically be suspended until payment is paid in full,

1 or until a decision providing otherwise is adopted following a hearing held pursuant to this
2 condition.

3 3. All licenses and licensing rights of Respondents are indefinitely
4 suspended unless or until Respondents pay the sum of \$1,198.84 for the Commissioner's
5 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said
6 payment shall be in the form of a cashier's check made payable to the Bureau of Real Estate.
7 The investigative costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box
8 137013, Sacramento, CA 95813-7013, prior to the effective date of this Stipulation.

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11 2/8/19

12 DATED



13 RICHARD K. UNO, Counsel III
14 DEPARTMENT OF REAL ESTATE

15 * * *

16 I have read the Stipulation and Agreement in Settlement and Order and its terms
17 are understood by me and are agreeable and acceptable to me. I understand that I am waiving
18 rights given to me by the California Administrative Procedure Act (including but not limited
19 to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly,
20 intelligently, and voluntarily waive those rights, including the right of requiring the
21 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
22 right to cross-examine witnesses against me and to present evidence in defense and mitigation
23 of the charges.

24 1-16-19

25 DATED



26 CAL WEST HOME LOANS, INC.
27 BY: MICHAEL BRUNO

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1-16-19

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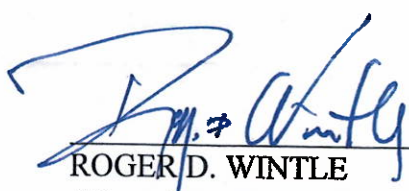


MICHAEL BRUNO

I have reviewed this Stipulation and Agreement as to form and content and have advised my clients accordingly.

1/16/19

DATED



ROGER D. WINTLE

Attorney for Respondents

The foregoing Stipulation and Agreement In Settlement and Order is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on **MAR 19 2019**

IT IS SO ORDERED February 21, 2019

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER

